

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EON CORP IP HOLDINGS LLC,
Plaintiff,
v.
CISCO SYSTEMS INC, et al.,
Defendants.

Case No. 12-cv-01011-JST

**ORDER GRANTING IN PART AND
DENYING IN PART EON'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE A SUR-REPLY**

Re: ECF No. 977.

The Court hereby grants EON leave to file a sur-reply addressing only the following:

1. Defendants' characterization of the Court's Order on the Motion for Reconsideration. While the content of the Order only contained arguments EON itself had presented, EON did not previously have an opportunity to respond to Defendants' characterization of the Court's order.
2. Defendants' arguments regarding the doctrine of equivalents, since the issue was not mentioned in Defendants' opening brief.

Leave is denied as to the remaining portions of the proposed sur-reply. The arguments EON seeks to respond to only rebut points EON made in its opposition, but do not raise substantively new issues.

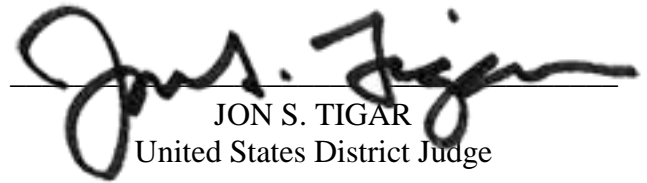
The Court also denies EON's request to file new evidence after the briefing on this motion has closed. EON seeks to submit a new declaration from its own expert, and to introduce deposition testimony from that same expert. Without showing that Defendants are responsible for the fact that this information was not available before now, EON is not entitled to introduce new evidence after briefing is complete (especially since Defendants would not, at this point, have any reasonable opportunity to respond to the new evidence).

EON may file a sur-reply that contains only the text that appears at 4:7-5:21 and 6:14-7:19

of ECF No. 976-4.

IT IS SO ORDERED.

Dated: March 11, 2014



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California